IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION No. 1171 (M/S) OF 2002

(Civil Misc. Restoration Application No.4099 of 2006)

Malkeet Singh S/o Late Tara Singh
R/o Vill. Bhawanipur Khulbe Post Office
Peerumadara, Tehsil Ramnagar,
District Nainital. ……Petitioner

Versus

1. District Deputy Director of Consolidation/Collector Nainital.
2. Settlement Officer, Udham Singh Nagar/ Nainital Camp at Kichha, District Udham Singh Nagar.
3. Smt. Gurmeet Kaur W/o Sri Kulwant Singh R/o Vill. Bhawanipur Khulbe P.O. Ramnagar, District Nainital.

…… Respondents

12.04.2006

Sri M.C. Kandpal & Sri Kurban Ali, learned counsels for the petitioner.
Learned standing Counsels for the respondent No.1 & 2.

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Kandpal & Sri Kurban Ali, Counsels for the petitioner and Standing Counsel for the respondent No.1 & 2.

By the present writ petition, the petitioner has prayed for setting aside the judgment and order dated 04.02.2000 and 07.10.2002 passed by respondent no. 2 & 1 respectively.

Briefly stated according to the case of the petitioner, during the consolidation proceedings the order was passed on 09.07.1998 is case no. 62 of 1992. The petitioner has preferred the appeal before the Settlement Officer (Consolidation). The Court below has sent back the matter to the Consolidation Court and has directed for deciding the case alongwith application under section 12 of the Consolidation Holding act and same was dismissed vide order dated 04.02.2000. Aggrieved by the said order, the petitioner has preferred the revision under section 48 of the Consolidation of Holding Act, before the Deputy Director of Consolidation/Collector, Nainital on 19.04.2000 along with an application under section 5 of

the Limitation Act being revision no.51/1999 of 2000-2001 and the revision was dismissed on 09.08.2001 on the ground of delay.

Petitioner has submitted that he approached to this Court and the matter was remanded to the Dy. Director of Consolidation.

Petitioner has further submitted that District Deputy Director Consolidation has passed and directed the Assistant Consolidation Officer to decide the matter after taking the evidence of the parties.

In view of the aforesaid, assistant Consolidation Officer is directed to decide the matter within a period of four months from the filing of the certified copy of the order. However the Presiding Officer shall not be prejudiced by earlier orders while deciding the case on merits.

Subject to the aforesaid observation, writ petition is dismissed.

(Rajesh Tandon, J.)

12.04.2006
Jain